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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE BOARD OF  
DENTISTRY  
AGENCY DOCKET NO.

In the Matter of

JUDD WAYNE GARSON, D.D.S.

Licensed to Practice  
Dentistry in the  
State of New Jersey

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry (hereinafter "Board") upon receipt of information from the Enforcement Bureau disclosing allegations concerning abuse of Controlled Dangerous Substances and/or alcohol by Judd Wayne Garson, D.D.S. The Board referred Dr. Garson to the Impaired Dentists Program for a comprehensive evaluation. The Board having thoroughly reviewed the entire record before it and Dr. Garson desiring to resolve this matter by consent without resort to formal proceedings.

IT IS on this 1<sup>st</sup> day of December, 1990,

HEREBY ORDERED AND AGREED THAT:

1. Dr. Garson shall continue enrollment in the New Jersey Impaired Dentists Program (I.D.P.) and shall comply with a

monitoring program supervised by I.D.P. which shall include, at a minimum, the following conditions:

(a) Dr. Garson shall have his urine monitored under the supervision of the Impaired Dentists' Program on a random, unannounced basis, twice weekly. The urine monitoring shall be conducted with direct witnessing of the taking of the samples either from a volunteer or drug clinic staff as arranged and designated by the Impaired Dentists' Program. The initial drug screen will utilize the EMIT technique and all confirming tests and/or secondary tests will be performed by gas chromatography/mass spectrometry (GC/MS). The testing procedure will include a forensic chain of custody protocol to ensure sample integrity and to provide documentation to withstand a legal challenge. The Impaired Dentists' Program shall be responsible to assure that all urine samples are handled by a laboratory competent to provide these services. All test results shall be provided in the first instance directly to the Impaired Dentists' Program, and any positive result will be reported immediately by the Impaired Dentists' Program to William Gutman, Executive Director of the Board, or his designee in the event he is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

Any failure by Dr. Garson to submit or provide a urine

sample within 24 hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event Dr. Garson is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Dr. Frederick Rotgers or Dr. Barbara McCrady of the Impaired Dentists' Program. Neither the volunteer or drug clinic staff shall be authorized to consent to waive a urine test. In addition, Dr. Garson must provide the Impaired Dentists' Program with written substantiation of his inability to appear within two (2) days, e.g., a physician's report attesting that Dr. Garson was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of the respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day. The Impaired Dentists' Program shall advise the Board of every instance where a request has been made to waive a urine test together with the Program's determination in each such case.

The Board may in its sole discretion modify the frequency of testing or method of reporting during the monitoring period.

(b) Dr. Garson shall attend support groups including the impaired professionals group and AA/NA at a frequency of no less than three (3) times per week. Dr. Garson shall provide

evidence of attendance at such groups directly to the Impaired Dentists' Program on a form or in the manner as required by the Program. The Impaired Dentists' Program shall advise the Board immediately in the event it receives information that Dr. Garson has discontinued attendance at any of the support groups.

(c) Dr. Garson shall submit to individual psychotherapy for a period of one (1) year. The Impaired Dentists' Program shall assist Dr. Garson by referring him to an appropriate therapist. Dr. Garson shall cause the therapist to provide quarterly reports to the Impaired Dentists' Program with respect to his attendance and progress in therapy.

2. The Impaired Dentists' Program shall provide quarterly reports to the Board in regard to its monitoring of Dr. Garson's program as outlined herein including, but not limited to, the urine testing, the attendance at support groups, and attendance and progress in psychotherapy. The Program shall attach to its quarterly reports any and all appropriate reports and/or documentation concerning any of the monitoring aspects of the within program.

3. Dr. Garson shall not prescribed Controlled Dangerous Substances for his personal use nor shall be possess such substances for his personal use except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause.

4. Dr. Garson shall advise any and all treating physicians and/or dentists of his history of substance abuse. He

shall cause any physician or dentist who prescribes medication which is a Controlled Dangerous Substance to provide a written report to the Board together with patient records indicating the need for such medication and confirming that the practitioner was advised in advance of the history of substance abuse. Such report shall be provided to the Board no later than seven (7) days subsequent to the prescription in order to avoid any confusion which may be caused by a confirmed positive urine test as a result of such medication.

5. Dr. Garson shall provide appropriate releases to any and all parties who are participating in the monitoring program as outlined herein as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner.

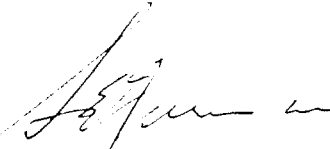
6. A copy of the within Order shall be provided by the Board to any and all parties who are currently participating in the monitoring program as outlined herein or who are assigned in the future to participate in this program or any individual or institution succeeding to their respective monitoring functions.

7. All costs associated with the monitoring program as outlined herein shall be paid directly by Dr. Garson.

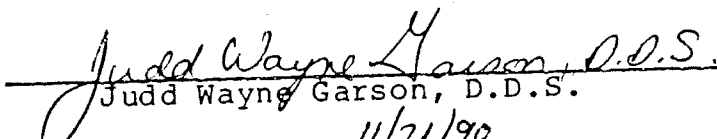
8. It is expressly understood and agreed that continued licensure with restrictions as ordered herein is contingent upon strict compliance with all of the aforementioned conditions. Upon the Board's receipt of any information indicating that any term of the within Order has been violated in

any manner whatsoever, including, but not limited to, a verbal report of a confirmed positive urine or any other evidence that Dr. Garson has used an addictive substance or alcohol, a hearing shall be held on short notice before the Board or before one member of the Board authorized to act on its behalf. The proofs at such a hearing shall be limited to evidence of the particular violation at issue.

9. Dr. Garson may apply for modification of the terms and conditions of the within Order no sooner than six (6) months from the entry date herein.

  
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Samuel Furman, D.D.S.  
President  
State Board of Dentistry

I have read the within Order.  
I understand the Order, and  
I agree to be bound by it.

  
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Judd Wayne Garson, D.D.S.  
11/21/90